

IN THE SENATE OF THE UNITED STATES.

MARCH 7, 1860.—Ordered to be printed.

Mr. BROWN submitted the following

REPORT.

The Committee on the District of Columbia, to whom was referred the petition of James and Theodore Walter, asking the conveyance to them of certain lots in Washington city, report:

That the prayer of the petitioners ought not to be granted, for the reasons stated in the accompanying letter of the Commissioner of Public Buildings, which is appended as part of this report.

OFFICE COMMISSIONER OF PUBLIC BUILDINGS,
February 28, 1860.

SIR: The petition of James Walters, senior, and Theodore A. Walters, praying that lots 4 and 5 in square 116, in this city, may be conveyed to them, having been referred to this office for a statement of the facts in the case and the value of the lots, I respectfully inform you, that in the division of square 116, lots 4 and 5 were assigned to James M. Ligan, the original proprietor of the square, who conveyed them to the United States, January 1, 1808, and the title has ever since remained in the United States. In 1856, a number of lots were sold at public auction, and among them were the lots in question, which were struck off at seven and a quarter cents per square foot, but the purchaser refused to comply with the terms of sale because of the claims set up to the lots by the Messrs. Walters, who derived their title from Francis Godfrey, who does not pretend to make any show of title. Mr. Godfrey, like a great many others in the early history of the city, inclosed and cultivated lots belonging to the government without being disturbed. The streets had not been opened out to them, and as their occupancy could not impair the title of the government, there was no disposition manifested to interfere with them. If the prayer of the Messrs. Walters should be granted, I apprehend that it will be regarded as a precedent to authorize all persons who may, at any time, have occupied public lots, to apply to Congress for damages in having surrendered the lots when sold by the government.

The case of George Mattingly, referred to by the attorney of the Messrs. Walters, has no analogy to their case. Even in that, the government sustained a loss of several thousand dollars, and the passage of the bill for his relief is, in my judgment, rather to be ascribed to the

liberality of Congress than any just claim against the government. If you should wish the facts in the Mattingly case, you will please inform me, and I will furnish them to you.

Godfrey's deed to the Walters is a general warranty, and their recourse is against Godfrey. The lots are worth nine or ten cents a square foot.

I herewith return the petition and accompanying papers as requested.

Very respectfully, your obedient servant,

JNO. B. BLAKE,
Commissioner.

Hon. A. G. BROWN,

Chairman of Committee on District of Columbia, U. S. Senate.